

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:04CV487**

AFFIRMATIVE INSURANCE COMPANY,)
Plaintiff,)
)
v.)
)
)
FRANK RAY EASON, JR., and)
SHERRY ANN WILES EASON,)
Defendants.)
)

THIS MATTER IS BEFORE THE COURT on the “Plaintiff’s Motion to Compel and for Attorney’s Fees” (Document No. 18) and the “Brief in Support of Plaintiff’s Motion to Compel ...” (Document No. 18), both filed October 7, 2005 by Affirmative Insurance Company. For the reasons set forth in the hearing held Thursday, November 11, 2005, the undersigned will grant in part and deny in part the Motion.

IT IS, THEREFORE, ORDERED that the “Plaintiff’s Motion to Compel and for Attorney’s Fees” (Document No. 18) is hereby **GRANTED IN PART AND DENIED IN PART**; that is,

1. With respect to Interrogatory Nos. 1, 6, 8, 9-16, 18-21, 26, 30, and 32-33, the Motion is **GRANTED**, and Frank Ray Eason, Jr. and Sherry Ann Wiles Eason (the “Easons”) shall respond as directed within thirty days of the entry of this Order;
2. With respect to Plaintiff’s Request for Production of Documents, the Motion is **GRANTED**, and the Easons shall respond as directed within thirty days of the entry of this Order; and

3. With respect to the request for attorney fees, the Motion is **DENIED**.¹

IT IS FURTHER ORDERED that the Pretrial Order and Case Management Plan

(Document No. 12) is hereby amended as follows:

1. All discovery shall be completed no later than March 1, 2006.
2. All motions except motions in limine and motions to continue shall be filed no later than March 1, 2006.
3. Mediation shall be completed with the filing of a report with the results on or before March 1, 2006.
4. The trial date, scheduled for June 5, 2006 before the Honorable Graham C. Mullen, is cancelled. The Honorable Robert J. Conrad will set a new trial date at a later time.

¹ During the hearing, Affirmative Insurance Company orally withdrew its request for fees.

Signed: November 10, 2005

David C. Keesler
David C. Keesler
United States Magistrate Judge

